

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

PATRICK HUFFORD and JOHN WISBISKI,  
individually and on behalf of all others similarly  
situated,

Plaintiffs,

v.

MAXIM INC.,

Defendant.

Civil Action No. 19-cv-04452-ALC-RWL

**NOTICE OF MOTION FOR PRELIMINARY APPROVAL OF  
CLASS ACTION SETTLEMENT**

**TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

**PLEASE TAKE NOTICE** that upon: (1) the accompanying Memorandum of Law, and (2) the Declaration of Philip L. Fraietta, and the exhibits attached thereto (including the Parties' Class Action Settlement Agreement), Plaintiffs Patrick Hufford and John Wisbiski, through their undersigned attorneys, will move this Court, before the Honorable Andrew L. Carter, Jr., United States District Court Judge, Southern District of New York, at the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York, for an Order, pursuant to Federal Rule of Civil Procedure 23(e): (i) granting preliminary approval of the Class Action Settlement; (ii) provisionally certifying the Settlement Class under Federal Rule of Civil Procedure 23(b)(3) in connection with the settlement process; (iii) appointing Bursor & Fisher, P.A. and Hedin Hall LLP as Class Counsel; (iv) appointing Patrick Hufford and John Wisbiski as the Class Representatives for the Settlement Class; (v) approving the Notice Plan for the Class Action Settlement described in the Class Action Settlement Agreement and its Exhibits, as well as the specific Notice of Class Action and Proposed Settlement (the "Proposed Notice"), attached as

Exhibits A-C to the Settlement Agreement, and directing distribution of the Proposed Notice;  
and (vi) granting such other, further, or different relief as the court deems just and proper.

\* \* \*

A Proposed Preliminary Approval Order is submitted herewith.

Dated: May 7, 2020

Respectfully submitted,

By: /s/ Philip L. Fraietta  
Philip L. Fraietta

**BURSOR & FISHER, P.A.**

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